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**MAILED**

**JUN 14 2011**

**OFFICE OF PETITIONS**

In re Patent Number: 6,368,877 :  
Issue Date: 04/09/2002 :  
Application Number: 08/882,415 :  
Filing or 371(c) Date: 06/25/1997 :  
Attorney Docket Number: MIT-7762 :

NOTICE

This is in response to the letter concerning acceptance of a fee deficiency submission under 37 CFR 1.28 filed on April 28, 2011.

The letter is not properly signed.

The letter is signed on behalf of the assignee of an undivided interest in the entirety of the patent, as indicated on the Statement Under 37 CFR 3.73(b).

37 CFR 1.27(g)(2) states, in pertinent part, that:

Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b).

37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further, a review of Office assignment records suggests that the assignee on whose behalf the submission was filed, Massachusetts Institute of Technology, is not the sole assignee of this patent. Petitioner must clarify whether it is a proper party to sign the subject submission.

Accordingly, it is recommended that patentees submit a properly signed request under 37 CFR 1.28(c).

The Office acknowledges receipt of payment of \$1,240.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail:      Mail Stop Petition  
                 Commissioner for Patents  
                 P.O. Box 1450  
                 Alexandria, VA 22313-1450

By FAX:      (571)273-8300  
                 Attn: Office of Petitions

By hand:      Customer Service Window  
                 Mail Stop Petition  
                 Randolph Building  
                 401 Dulany Street  
                 Alexandria, VA 22314

A reply may also be filed via the EFS-Web system of the USPTO.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Attorney  
Office of Petitions

cc:      DANIEL O'BRIEN  
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